



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,772	04/26/2001	Masami Miyanishi	0666.1650000	5026

26111 7590 07/08/2003

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LOWE, MICHAEL S

ART UNIT	PAPER NUMBER
----------	--------------

3652

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,772

Applicant(s)

MIYANISHI, MASAMI

Examiner

M. Scott Lowe

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,12 is/are allowed.
- 6) ☒ Claim(s) 3-8,11,13 and 14 is/are rejected.
- 7) ☒ Claim(s) 8,9,10,11,13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Information Disclosure Statement

The information disclosure statement filed 4/26/01 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 8 is objected to because of the following informalities: On line 5, "of the base" does not make sense. For sake of examination it was assumed that the applicant meant "on the base". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 7, 11, 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the joint portion" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Re claims 7, 11, 13, there are two different operation oil hoses in this claim and thus it is unclear which one is being referred to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

Art Unit: 3652

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 58-30851.

Re claim 3, JP 58-30851 (figures 1-2) teaches a structure of a work machine having a plurality of drive parts which are individually driven and controlled with hydraulic pressure, comprising:

- a base 3;
- a boom bracket 8 mounted on the base 3, the boom bracket 8 being formed on its upper end with a pair of boom support portions (figure 2) and provided below each of the boom support portions (not numbered) with a hose guide hole (not numbered);
- a boom 9 serving as one of the drive parts, the boom being provided at its base end with a pair of supported portions (not numbered) formed in a bifurcated manner, wherein each of the supported portions is pivoted by each of the boom support portions via a horizontal pivot shaft (not numbered) so that the boom is vertically rotatably attached on the boom bracket;
- hydraulic actuators 7, 12, 13, 14 for driving the respective drive parts of the work machine,
- and operation oil hoses (not numbered) for supplying operation oil to the hydraulic actuators extending from the base, wherein each of the operation oil hoses penetrates through each of the hose guide holes.

Re claim 4, JP 58-30851 (figures 1-2) teaches the work machine structure according to claim 3, further comprising:
a hydraulic actuator 14 for driving the boom 9 being arranged on a side of the boom 9 opposite to the base 3, wherein the operation oil hoses penetrating through the respective hose guide holes (not numbered) are provided to supply operation oil to the hydraulic actuator for driving the boom.

Re claim 5, JP 58-30851 (figures 1-2) teaches the work machine structure according to claim 3, wherein the boom bracket 8 (figure 2) is provided with a pair of ribs (figure 2) formed downwardly on both sides of each of the boom support portions so that the operation oil hose penetrating through each of the hose guide hole is passed through each of a valley between both the ribs below each of the support bracket portions.

Re claim 6, JP 58-30851 (figures 1-2) teaches structure of a work machine having a plurality of drive parts which are individually driven and controlled with hydraulic pressure, comprising:
a base 3;
a boom bracket 8 mounted on the base 3;
a boom 9 serving as one of the drive parts, the boom 9 being vertically rotatably attached on the boom bracket 8, a supported portion (not numbered) to be pivoted on the boom bracket being joined to a base end (not numbered) of a main body of the boom 9, and

a reinforcement member (the boom hydraulic cylinder supports) being plastered on the joint portion between the main body and the supported portion of the boom, wherein the reinforcement member is formed of a plate-like member which becomes thinner toward a tip end of the boom 9.

Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Pilch (US 3,220,579).

Re claim 7, Pilch teaches a structure of a work machine having a plurality of drive parts individually controlled and driven by respective hydraulic actuators 19a, 20a, 22a, comprising:

a base (not numbered) on which the work machine 10 is attached, the base including an upper plate portion (not numbered) arranged in the vicinity of the work machine 10; operation oil hoses 23 extending from the base for supplying operation oil to the respective hydraulic actuators; end portion connectors (not numbered) of the oil hoses being arranged on the upper plate portion, and operation oil hoses piped on the work machine to be connected to the respective hydraulic actuators, wherein end portions of the operation oil hoses piped on the work machine are detachably connected to the respective end portion connectors of the operation oil hoses extending from the base.

Re claim 8, Pilch teaches a structure of a work machine 10 having a plurality of drive parts which are individually controlled and driven with the hydraulic pressure, comprising:

Art Unit: 3652

a base (not numbered);

a boom 19 serving as one of drive parts, the boom 19 being pivoted at its base end on the base;

an arm 20 serving as one of the drive parts, the arm 20 being pivoted on a tip end of the boom 19;

a hydraulic actuator 20a for driving the arm 20;

an operation oil hose piped inside of the boom 19 for supplying operation oil to the hydraulic actuator 20a, and

a pair of mutually oppositely located brackets (21, not numbered) for pivoting a base end of the hydraulic actuator, the pair of brackets being arranged on a rear surface of the boom, wherein the boom is provided on its rear surface between the brackets with a hose taking-out opening for pulling the operation oil hose from the inside of the boom to the outside therethrough.

Claim 14 rejected under 35 U.S.C. 102(e) as being anticipated by Walth et al. (US 6,158,949).

Re claim 14, Walth teaches a structure of a work machine having a plurality of drive parts which are individually controlled and driven with hydraulic pressure, comprising:

a base 80;

a boom 10 serving as one of the drive parts, the boom being pivoted at its base end on the base 80;

an arm 68 serving as one of the drive parts, the arm being pivoted on a tip end of the boom 10;

an arm fulcrum bracket (figures 3-4) fixed to the tip end portion of a main body of the boom for pivoting a base end of the arm 68, the arm fulcrum bracket including a main plate member and a reinforcement plate, the main plate member being joined to the tip end portion of the boom and projecting further than the tip end portion of the main body of the boom, the reinforcement plate being plastered on the projecting portion of the main plate member, so that the main plate member and the reinforcing plate constitute a pivoting portion for pivoting the base end of the arm.

Allowable Subject Matter

Claims 1-2, 12 are allowed.

Re claim 1, the prior art taken as a whole does not show nor suggest a hose guide member fixed to an upper end portion of the pivot pin so that the hose guide member and the boom bracket can be integrally rotated horizontally with respect to the base, and operation oil hoses extended from the base for supplying operation oil to the hydraulic actuators, wherein the operation oil hoses are guided and piped to the inside of the boom via the hose guide member. The closest prior art, JP 58-30851, does not include a hose guide member fixed to an upper end portion of the pivot pin so that the hose guide member and the boom bracket can be integrally rotated horizontally with respect to the base, and operation oil hoses extended from the base for supplying operation oil to the hydraulic actuators, wherein the operation oil hoses are guided and

pipled to the inside of the boom via the hose guide member as required by the claim and there is no motivation absent the applicant's own disclosure, to modify the JP 58-30851 reference in the manner required by the claims.

Re claim 12, the prior art taken as a whole does not show nor suggest an angle rib fixed to a tip end of the boom, wherein a surface of the angle rib to be attached to the rear surface of the boom is extended toward the base end of the boom so as to form an extension portion, and an open hole communicating the inside and the outside of the boom, the open hole being formed on the extension portion. The closest prior art, Pilch, does not include an angle rib fixed to a tip end of the boom, wherein a surface of the angle rib to be attached to the rear surface of the boom is extended toward the base end of the boom so as to form an extension portion, and an open hole communicating the inside and the outside of the boom, the open hole being formed on the extension portion as required by the claim and there is no motivation absent the applicant's own disclosure, to modify the Pilch reference in the manner required by the claims.

Claims 9, 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Re claim 9, the prior art taken as a whole does not show nor suggest a cover attachment washer fixed to the peripheral portion of the hose taking-out opening so as to reinforce the peripheral portion of the hose taking-out opening in the boom, wherein a cover can be attached on the cover attachment washer for sealing the hose taking-out

opening while allowing the piping of the operation oil hose to the hydraulic actuator for driving the arm. The closest prior art, Pilch, does not include a cover attachment washer fixed to the peripheral portion of the hose taking-out opening so as to reinforce the peripheral portion of the hose taking-out opening in the boom, wherein a cover can be attached on the cover attachment washer for sealing the hose taking-out opening while allowing the piping of the operation oil hose to the hydraulic actuator for driving the arm as required by the claim and there is no motivation absent the applicant's own disclosure, to modify the Pilch reference in the manner required by the claims.

Claims 11, 13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Re claim 11, the prior art taken as a whole does not show nor suggest the hose attachment plate is arranged in such a manner that an angle thereof formed with the rear surface of the boom between the bent portion and the tip end becomes substantially equal to another angle thereof formed with the rear surface of the boom between the bent portion and the base end. The closest prior art, Pilch, does not include the hose attachment plate is arranged in such a manner that an angle thereof formed with the rear surface of the boom between the bent portion and the tip end becomes substantially equal to another angle thereof formed with the rear surface of the boom between the bent portion and the base end as required by the claim and there is no motivation absent the applicant's own disclosure, to modify the Pilch reference in the manner required by the claims.

Re claim 13, the prior art taken as a whole does not show nor suggest an angle rib fixed to the tip end of the boom, wherein the angle rib is provided with an inclined surface from a tip end portion of the angle rib to a rear surface of the boom, and wherein the operation oil hose piped inside of the boom penetrates the inclined surface; and an end portion connector of the operation oil hose being arranged on an external side of the inclined surface. The closest prior art, Pilch, does not include an angle rib fixed to the tip end of the boom, wherein the angle rib is provided with an inclined surface from a tip end portion of the angle rib to a rear surface of the boom, and wherein the operation oil hose piped inside of the boom penetrates the inclined surface; and an end portion connector of the operation oil hose being arranged on an external side of the inclined surface as required by the claim and there is no motivation absent the applicant's own disclosure, to modify the Pilch reference in the manner required by the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is 703-305-1940. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Art Unit: 3652

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

msl
June 24, 2003



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600